UNITED STATES PATENT AND TRADEMARK OFFICE

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10/827,020	04/19/2004	Christopher Louis Capps	SVL920030108US1	2516

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MICHAEL J. BUCHENHORNER
8540 S.W. 83 STREET
MIAMI, FL 33143

EXAMINER
GORTAYO, DANGELINO N

ART UNIT	PAPER NUMBER
2168	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MICHAEL@BUCHENHORNER.COM
ANA@BUCHENHORNER.COM

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 July 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 15-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13 and 15-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 April 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) ·
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

7/20/2007 has been entered.

Response to Amendment

2.   In the amendment filed on 7/20/07, claims 1-4, 8-13, 15-19, 21-28 have been

amended. Claim 14 has been cancelled. The currently pending claims considered below

are Claims 1-13, 15-28.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 recites the limitation "the raw business data" in line 6. There is

insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the optimal conditions" in line 2. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-13, 15-22, 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Keller et al. (US Publication 2003/0050849 A1) in view of Jani et al.

(US Publication 2005/0049974 A1)

As per claim 1, Keller teaches "In a network comprising a plurality of store node

where transaction log data is collected, an enterprise node connected to the store node,

wherein the enterprise node comprises data on all the store nodes a method for

converting the raw business data to transformed data," (see Abstract, Figure 1,

paragraph 0012, 0013, 0014, 0015, 0030, wherein manufacturers and retails collect

business data and has the ability to send business data to a connected transaction

server to be converted to XML documents)

"the method comprising: determining a period of time when the raw business

data is to be processed;" (Figure 8 reference 400 and paragraph 0045, 0046, wherein a

job scheduling tool determines when data is sent to a manufacturer database)

determining at one of the plurality of store nodes whether to process the

transaction log data in the store (paragraph 0036, 0042, 0045, wherein data can be

processed into metadata envelopes in a retailer based on transaction or set up data)

"processing the transaction log data in the store node if the local processing

conditions are satisfied;" (paragraph 0042, wherein an envelope and XML document are

combined in the retailer for a payload format to be sent to manufacturer database in a

transaction server)

"and sending the transaction log data to the enterprise node for processing there

if the local processing conditions are not satisfied." (paragraph 0030, 0031, 0051,

wherein data streams can be sent to a server, for transformation into a database based

on the intake level in a transaction server database)

Keller does not teach determining whether to process data in the store based on

relevant store node processing conditions, wherein the store node processing

conditions comprise a need for the transformed data in the store node and an

availability of processing resources for processing in the store node during the period of

time.

Jani teaches determining whether to process data in the store based on relevant

store node processing conditions, wherein the store node processing conditions

comprise a need for the transformed data in the store node and an availability of

processing resources for processing in the store node during the period of time. (Figure

7A references 210, 212, 216, and paragraph 0044, 0060, 0061, wherein it is determined

if a worker thread is available, and if not, the data is placed in a queue to be sent to a

database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

As per claim 2, Keller teaches "the period of time is a predetermined interval." (paragraph 0013)

As per claim 3, Jani teaches "the period of time is based on an amount of the transaction log data." (paragraph 0044)

As per claim 4, Keller teaches "the transformed data comprises a transformed format." (paragraph 0031, wherein the data is transformed to a common format)

As per claim 5, Keller teaches "the transformed data format is XML." (paragraph 0047)

As per claim 6, Keller teaches "the transformed data format is IXRetail." (paragraph 0047, wherein the XML format is for transaction data)

As per claim 7, Keller teaches "the transformed data format comprises POSLog data." (paragraph 0045, 0047, wherein data can be transformed into EDI format)

As per claim 8, Keller teaches "the transaction log data comprises sales-related data." (paragraph 0013, 0016)

As per claim 9, <u>Keller</u> teaches "the method further comprises transforming the transaction log data into the transformed data format at the store node if the conditions are met." (paragraph 0042)

As per claim 10, <u>Keller</u> teaches "the processing comprises parsing the transaction log data to extract data from each of a plurality of fields." (Figures 26, 29, 31, paragraph 0024, 0025)

As per claim 11, <u>Keller</u> teaches "sending the data to the enterprise node for processing, if none of the optimal conditions are satisfied, further comprises converting the transaction log data to a transformed data format and entering the transformed data into a database." (paragraph 0044)

As per claim 12, <u>Keller</u> teaches "determining whether to process the transaction log data is done at the store node." (paragraph 0046, wherein messages determine when to process data)

As per claim 13, <u>Keller</u> teaches "determining whether to process the transaction log data is done at the enterprise node." (paragraph 0051)

As per claim 15, <u>Keller</u> teaches "sending the transaction log business data to the enterprise node for processing comprises sending raw business data to the enterprise node for parsing, data format transformations and database storage." (paragraph 0012)

As per claim 16, <u>Keller</u> teaches "determining whether to process the transaction log data in the store node is done at the frequency of transaction log transfers to the enterprise node." (paragraph 0013, 0016)

As per claim 17, Keller teaches "local processing conditions include the

available processing bandwidth of the network for transmitting the data to the enterprise

node." (paragraph 0051, 0052)

As per claim 18, Keller teaches "An in-store information processing system"

(see Abstract, Figure 1, paragraph 0012, 0013, 0014, 0015, 0030, wherein

manufacturers and retails collect business data and has the ability to send business

data to a connected transaction server to be converted to XML documents)

"comprising: a point of sale controller processing sales-related data;" (Figure 1

references 24, 26, 28, 30, paragraph 0017, 0041, wherein a retailer or manufacturer

collects transaction data)

"a memory for storing transaction log data;" (paragraph 0036, 0041, wherein a

retailer and manufacturer databases store transaction data)

"and a communication subsystem coupled to an enterprise node for transmitting

the raw data to the enterprise node;" (paragraph 0036, wherein data flows from retailers

and manufacturers to transaction data store)

"wherein the point of sale controller comprises logic for determining a period of

time when the transaction log data is to be processed," (paragraph 0045, 0046, wherein

transformation job is initiated based on message received)

Keller does not teach "and for determining whether to process the transaction log

data in the store node based on store node processing conditions, wherein the store

node processing conditions comprise one of a need for the transformed data in the store node and a demand for processing in the store node during the period of time."

Jani teaches "and for determining whether to process the transaction log data in the store node based on store node processing conditions, wherein the store node processing conditions comprise one of a need for the transformed data in the store node and a demand for processing in the store node during the period of time." (Figure 7A references 210, 212, 216, and paragraph 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

As per claim 19, Keller teaches "the logic comprises program code instructions for execution by the point of sale controller." (paragraph 0021)

As per claim 20, Keller teaches "the logic comprises an application-specific integrated circuit." (paragraph 0035)

As per claim 21, Keller teaches "the point of sale controller is part of a point of sale terminal." (paragraph 0012, 0016)

As per claim 22, <u>Keller</u> teaches "collecting transaction log data at a store node in a network, wherein the transaction log data comprises raw information relating to transactions conducted at the store node;" (paragraph 0016, wherein transaction data is collected on the retailer side)

"determining a period of time when the raw information is to be processed for conversion to transformed data;" (Figure 8 reference 400 and paragraph 0045, 0046, wherein a job scheduling tool determines when data is sent to a manufacturer database)

"determining whether to process the transaction log data in the store node based on local processing conditions," (paragraph 0045 lines 7-15, wherein transformation job is initiated based on message received)

"converting the raw information to transformed data in the store node if either of the conditions is met;" (paragraph 0042, wherein an envelope and XML document are combined in the retailer for a payload format to be sent to manufacturer database)

"and sending the raw information to an enterprise node for conversion to transformed data if none of the optimal conditions are satisfied." (paragraph 0042, 0044, 0051, wherein data streams can be sent directly to a server, for transformation into an XML document in a database)

<u>Keller</u> does not teach "wherein the local processing conditions comprise a need for the transformed data in the store node and a demand for processing in the store node during the period of time;"

Jani teaches "wherein the local processing conditions comprise a need for the transformed data in the store node and a demand for processing in the store node during the period of time;" (Figure 7A references 210, 212, 216, and paragraph 0044, 0060, 0061, wherein it is determined if a worker thread is available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

As per claim 25, Keller teaches "the determining element comprises considering relevant store node conditions" (paragraph 0045 lines 7-15, wherein transformation job is initiated based on message received)

Keller does not teach "and wherein relevant store node conditions comprise the need for the transformed data at the store node and the availability of processing resources to process the raw business data at the store node."

Jani teaches "and wherein relevant store node conditions comprise the need for the transformed data at the store node and the availability of processing resources to process the raw business data at the store node." (Figure 7A references 210, 212, 216, and paragraph 0044, 0060, 0061, wherein it is determined if a worker thread is

available, and if not, the data is placed in a queue to be sent to a database). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with Jani's method of processing data using conditions in a business system. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a sender. The motivation for doing so is to utilize a business software system to use different formats without having to modify their code base (paragraph 0006).

7.   Claims 23-24 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. (US Publication 2003/0050849 A1) in view of O'Neil et al. (US Publication 2003/0069968 A1)

As per claim 23, Keller teaches "In a network comprising a plurality of nodes where raw business data is collected, wherein each store node comprises information relating to transactions conducted at the store node, and an enterprise node comprising information on all store nodes and connected to the store node, a method for converting the raw business data to transformed data," (see Abstract, Figure 1, paragraph 0012, 0013, 0014, 0015, 0030, wherein manufacturers and retails collect business data and has the ability to send business data to a connected transaction server to be converted to XML documents)

"the method comprising: monitoring the availability of raw business data at the store node;" (Figure 8 reference 400 and paragraph 0045, 0046, wherein a job scheduling tool monitors transactional data)

determining whether to transform the raw business data to transformed data (paragraph 0030, 0031, 0051, wherein data streams can be sent to a server, for transformation into a database based on the intake level in a transaction server database)

and transforming the raw business data to transformed data at the enterprise node (paragraph 0042, 0044, 0047, 0049, wherein data is transformed into XML documents and placed into the database).

Keller does not teach "determining whether to transform the raw business data to transformed data based on relevant enterprise node conditions;"

O'Neil teaches determining whether to process raw business data to transformed data based on relevant enterprise node conditions; (Figure 2 references S201, S202, S203, paragraphs 0036, 0037, 0038, wherein the load of a server is determined and is processed based on the load).

It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Keller's method of expressing different business data in a common format with O'Neil's method of processing data using conditions in a server of a network. This gives the user the advantage of optimizing when transaction data is sent to a database based on conditions of a server accepting requests. The motivation for

doing so is to utilize a business software system to respond to and service requests in a

timely manner through balancing the load in a network (paragraph 0011 and 0012).

As per claim 24, Keller teaches "the relevant enterprise node conditions

comprise any of availability of processing resources to process the raw business data at

the enterprise node and the relative cost of processing the raw business data at the

enterprise as opposed to the store node." (paragraph 0013)

As per claim 26, Keller and O'Neil are disclosed as per claim 23 above.

Additionally, O'Neil teaches "the determining element comprises considering relevant

network conditions and wherein relevant network conditions comprise the availability of

bandwidth to transport the raw business data from the store node to the enterprise

node." (paragraphs 0036, 0040)

As per claim 27, Keller teaches "the store node comprises a retail sales

operation and the enterprise node comprises an enterprise node coupled to the store

node by a network." (paragraph 0012, 0016)

As per claim 28, Keller teaches "the transforming element comprises

transforming the raw business data to transformed data at the store node when any of

the relevant store node conditions is satisfied." (paragraph 0042)

Response to Arguments

8.   Applicant's arguments, filed 7/20/2007, with respect to the 35 USC 102(b)

rejection of claims 23-24 and 26-28 have been fully considered but they are not

persuasive.

a.   Applicant's argument is stated as Keller doesn't teach an enterprise node connected to the store node within a network.

In regards to the argument, Examiner respectfully disagrees. As shown in figures 1 and 2, there are retailers and manufacturers (references 20, 21, 23, 25, 24, 26, 28, 30) which collect data, and are connected to a transaction server (reference 10) that contains a database layer to store data (paragraphs 0014, 0030). The argument that Keller is not concerned with transferring data from a store node to an enterprise node is in error, as retailers and manufacturer nodes send data to a transaction server, which contains transaction data present in either the retailer or manufacturer node (paragraph 15). Therefore, Keller teaches an enterprise node connected to the store node within a network.

b.   Applicant's argument is stated as Keller does not teach monitoring the availability of raw business data at the first node.

In regards to the argument, examiner respectfully disagrees. The main argument by the applicant is stated as "the invention requires a step of determining whether to process data at the store node or at the enterprise node" (see page 9 of the argument). This argument is moot, since it recites features)which do not actually appear in the claims. The claim limitation merely states monitoring the availability of transaction log or raw business data at the store node. This is interpreted as merely tracking data in the store node, and no determination step is yet present. A scheduling tool of Keller, as disclosed in blocks 0045 and 0046, teaches tracking transaction data in manufacturers and

retailers, to be sent to a transaction server database. Therefore, Keller teaches

monitoring the availability of raw business data at the first node.

c.   Applicant's argument is stated as Keller does not teach determining

whether to process transaction log data based on relevant enterprise node

conditions.

In regards to the argument, Applicant's arguments have been considered

but are moot in view of the new ground(s) of rejection.

d.   Applicant's argument is stated as Keller does not teach the step of

transforming the raw business data to transformed data at the enterprise node

when any of the relevant enterprise node conditions is satisfied.

In regards to the argument, Examiner respectfully disagrees. In block

0047 and 0049 of Keller, it is shown how an XML document composed of

transaction data is formed and stored in a manufacturers database. This

database communicated with retailers and other manufacturers to store data in

XML document form derived from business data, converting the data to the

desired manufacturer's format. The reference of O'Neil is brought in, as

explained in the rejection above, and teaches utilizing conditions in a server,

specifically the load placed on a server, in the decision of whether to process

requests (Figure 2 references S201, S202, S203, paragraphs 0036, 0037, 0038).

The combination of Keller's method of transforming data to a transformed format

in a database with O'Neil's method of determining conditions in a server when

determining processing requests teaches transforming the raw business data to

transformed data at the second node when any of the relevant second node

conditions is satisfied.

9.   Applicant's arguments, filed 7/20/2007, with respect to the 35 USC 103(a)

rejection of claims 1-22, 25 have been fully considered but they are not persuasive.

        a.   Applicant's argument is stated as Jani does not teach determining at one

of the plurality of store nodes whether to process the transaction log data in the

store node based on relevant store node processing conditions, wherein the

store node processing conditions comprise a need for the transformed data in the

store node and an availability of processing resources for processing in the store

node during the period of time.

        In regards to the argument, Examiner respectfully disagrees. Keller

teaches in paragraph 0036, 0042, 0045 that data can be processed into

metadata envelopes in a retailer based on transaction or set up data. Paragraph

0045 specifically discloses a job scheduling tool that determines when to process

transaction data. The reference of Jani is used to more specifically outline the

processing conditions in a client, and teaches that a payment processor, herein

interpreted as a store node, determines conditions such as available resources

and then processes data (Figure 7A references 210, 212, 216, and paragraph

0044, 0060, 0061). Therefore, Keller's method of determining a proper time to

process transaction data is modified with Jani's method of detecting conditions in

a client to be able to process data upon detection of conditions. The combination

of Keller and Jani teaches determining at one of the plurality of store nodes whether to process the transaction log data in the store node based on relevant store node processing conditions, wherein the store node processing conditions comprise a need for the transformed data in the store node and an availability of processing resources for processing in the store node during the period of time.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lechler-Moore et al. (US Patent 7,143,099 B2)

Ashe et al. (US Patent 6,847,393 B2)

Carothers et al. (US Publication 2002/0016771 A1)

Meltzer et al. (US Patent 6,125,391)

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dangelino N. Gortayo whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dangelino N. Gortayo   Tim T. Vo
Examiner   SPE

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100